COUNTY OF LOS ANGELES
**SHERIFF'S DEPARTMENT**
*A Tradition of Service*

DATE: April 18, 2014
FILE NO:

OFFICE CORRESPONDENCE

**FROM:** RALPH J. WEBB, COMMANDER
EAST PATROL DIVISION

**TO:** ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

**SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE'S FINDINGS**

| | |
|---|---|
| Case Number: | SH2312667 |
| Incident: | Hit Shooting |
| Incident Date: | May 12, 2012 |
| Unit: | Industry Station |
| Suspects: | Xavier A. Torres-Gonzalez, MH/04-10-82 |
| Involved Employees: | Deputy Kenneth Mort, #[redacted]<br>Deputy Robert Chism, #[redacted]<br>Deputy Romel Piggue, #[redacted]<br>Deputy Tim Wolford, #[redacted] |
| EFRC Date: | April 17, 2014 |

The Executive Force Review Committee (EFRC) consisting of Commanders Ray Leyva, Patrick Maxwell, and Ralph Webb met and reviewed the above case.

**FORCE POLICY RELATING TO INCIDENT:**

Law Enforcement officers may use deadly force in self-defense or in the defense of others only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

**FINDINGS:**

On Saturday, May 12, 2012, at 1335 hours, deputies responded to an "armed car-jacking just occurred" call at Casino Auto Sales located at 13025 East Valley Boulevard in the city of Bassett. A male Hispanic identified as Suspect Xavier Gonzalez had stolen a white, Dodge Charger, with a black hood from the location and was armed with a handgun.

A crime broadcast was initiated via Sheriff's radio to all other responding Industry Station units. Deputies Tim Wolford and [redacted] Kenneth Mort, working a two-man unit, observed the vehicle traveling east on Temple Avenue near Perth Street in La Puente. They turned to follow the white Charger, driven by Gonzalez, as it sped away from them. Deputies Wolford and Mort initiated a pursuit of the vehicle. The pursuit lasted approximately one minute and terminated on westbound Stafford Avenue, on the south side of Industry Sheriff's Station. Deputy Romel Piggue and Sergeant Gregory Gutierrez arrived simultaneously at the terminus of the pursuit.

Suspect Gonzalez stopped the Charger in the middle of Stafford Street, facing south. He exited the vehicle with a firearm in his possession. He would not comply with any of the deputies' commands to surrender, and he yelled at deputy personnel to shoot and kill him. Fearing that Gonzalez would arm himself with the handgun, Sergeant Gutierrez fired one less lethal stun bag round at the suspect; the stun bag round lost velocity and fell to the ground without striking him. The suspect removed the firearm from his waistband and pointed it towards the deputies.

Operation Safe Streets Detective Robert Chism, who [redacted], was walking through the parking lot, just south of the pursuit termination and observed Suspect Gonzalez brandishing a firearm at the pursuing deputies. As the suspect took a shooting stance on the west side of the stolen Charger, Detective Chism took a position of cover behind a parked vehicle in the south parking lot and fired four rounds from his Beretta pistol. Deputy Mort fired one round from his Beretta pistol. His partner, Deputy Wolford, fired a total of twelve rounds at the suspect from his Beretta pistol. Deputy Piggue fired one round from his Beretta pistol and experienced a malfunction in his weapon.

Suspect Gonzalez fell to the ground behind the stolen vehicle. He sustained multiple gunshot wounds to the upper torso and one to the head. He was pronounced dead at the scene by Los Angeles County paramedics.

A Heckler and Koch, .45 Caliber semiautomatic pistol was recovered near Suspect Gonzalez. It was loaded and cocked with one round in the chamber and eight rounds in the attached magazine.

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were within Department policy.

**RECOMMENDATIONS:**

The EFRC indicated the deputies did a good job during this incident and made no formal recommendations.

RJW:JER:jer

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
# SHERIFF'S DEPARTMENT
*A Tradition of Service*

DATE: April 18, 2014
FILE NO:

OFFICE CORRESPONDENCE

**FROM:** RALPH J. WEBB, COMMANDER
EAST PATROL DIVISION

**TO:** TIMOTHY K. MURAKAMI, CAPTAIN
INDUSTRY STATION

**SUBJECT:** **EXECUTIVE FORCE REVIEW COMMITTEE'S FINDINGS**

| | |
|---|---|
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A Heckler and Koch, .45 Caliber semiautomatic pistol was recovered near Suspect Gonzalez. It was loaded and cocked with one round in the chamber and eight rounds in the attached magazine.

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were within Department policy.

## RECOMMENDATIONS:

The EFRC indicated the deputies did a good job during this incident and made no formal recommendations.

RJW:JER:jer

**SH2312667**

## Table of Contents

C- Crime scene pictures indicating involved employee's locations during the incident.

D- Crime scene sketches, (2) DVD's containing crime scene pictures, video surveillance and a copy of the Homicide Book.

E- (1) CD containing IAB interviews.

**Miscellaneous Documents**

(5) Administrative Rights Shooting Forms for Sergeants Chism and Gutierrez, as well as Deputies Mort, Wolford and Piggue.

Los Angeles County JSID- District Attorney's Letter of Opinion for this incident.

# Los Angeles County Sheriff's Department

# Officer Involved Shooting



| Report Date: 02/26/14 | Bureau/Station/Facility: Industry Station | Admin. Invest.? ☐ | Hit? ☑ |
|---|---|---|---|

## Incident Information

| | |
|---|---|
| URN: 012-05513-1462-013 | Date: 05/12/12 Time: 1335 hours |
| City or Station: City of Industry | Nature of Incident: A carjacked vehicle driven by Suspect Gonzalez was pursued by deputies. Gonzalez brandished a handgun and fired at deputies. Deputies returned fire, Gonzalez was pronounced at the scene. |
| Location: Hudson Avenue/Stafford Avenue | |

**Location Type (*check one or more*):**
☐ Backyard
☐ Beach
☐ Business
☐ Freeway
☑ Industrial
☐ Park
☐ Parking Lot
☐ Residence
☐ Rural
☐ School
☑ Street
Other:

**Lighting (*check only one*):**
☐ Darkness
☑ Daylight
☐ Other
☐ Street Lights

**Weather (*circle only one*):**
☑ Clear
☐ Cloudy
☐ Fog
☐ Rain

Distance: approx. 40-50 yards

**Incident Type (*check one or more*):**
☐ Accidental
☑ Armed Person
☑ Fleeing Suspect
☐ Foot Pursuit
☐ Gun Take Away
☐ Moving Vehicle
☐ Sniper/Ambush
☐ Startle
☐ Struggle Involved
☐ Traffic Stop
☐ Unarmed Person
☐ Unintentional
☑ Vehicle Pursuit
☐ Warrant Service
☐ Warning Shot
Other:

**Initiated by (*check only one*):**
☐ Arrest Warrant
☑ Call
☐ Observation
☐ One Person Unit
☐ Other
☐ Search Warrant
☐ Two Person Unit

**Prior Activity (*check only one*):**
☐ Detective
☐ Inmate Transport
☐ Other
☑ Routine Patrol

Total # of Shots Fired by Deputy: 18

Total # of Shots Fired by Suspect: 1

Aero Unit? ☑ Canine Unit? ☐

## Employee Witnesses

| Employee # | Last Name | First Name | M.I. | ShiftTime (*check only one*) | ShiftType (*check only one*) |
|---|---|---|---|---|---|
| [redacted] | Gutierrez | Gregory | R. | ☐ EM ☑ PM ☐ Day | ☑ Regular ☐ Overtime ☐ Off Duty |
| | | | | ☐ EM ☐ PM ☐ Day | ☐ Regular ☐ Overtime ☐ Off Duty |
| | | | | ☐ EM ☐ PM ☐ Day | ☐ Regular ☐ Overtime ☐ Off Duty |

## Non-Employee Witnesses

| Last Name | First Name | M.I. | Street Address | City | Zip Code | Work Ph | Home Ph |
|---|---|---|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] | [redacted] | [redacted] | [redacted] | [redacted] |
| | | | | | | | |
| | | | | | | | |

## Supervisors

| Employee # | Last Name | First Name | M.I. | (*check one or more*) |
|---|---|---|---|---|
| [redacted] | Gutierrez | Gregory | R. | ☑ On Duty ☑ Present during shooting ☑ Witness to shooting ☐ Involved in shooting |
| | | | | ☐ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting |

## Watch Sergeant

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Westphal Jr. | Robert | L. |

## Watch Commander

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Scott | Arthur | C. |

**PSTD Use Only**

**SH #** 2312667

# Officer Involved Shooting
# Involved Employee Information

URN: 012-05513-1462-013



**Involved Employee**

**E 1**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name: Mort | First Name: Kenneth | M.I.: E. |
| Sex: M Race: White | Rank: [redacted] | Unit Assignment: Industry Station | Work Assignment (Unit #, Module, etc.): 147D |
| ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day | ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: Interviewed? ☑ |
| Hrs of sleep prior to shooting: 7 | Duty Time (hrs): [redacted] hours | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest | Other Factors: |
| Age: [redacted] Height: 511 | Weight: 195 | | |
| Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] | |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? ☑ Number of Prior Shootings: 1 Directed Force: [redacted] |
| Weapons Fired Brand: Beretta | Caliber: 9MM # Shots: 1 | Weapons Fired Brand: | Caliber: # Shots: |
| Field Training Officer Emp # [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.: [redacted] |
| Field Training Officer Emp # [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.: [redacted] |

**E 2**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name: Chism | First Name: Robert | M.I.: C. |
| Sex: M Race: Black | Rank: Bonus I (Detective) | Unit Assignment: OSS/Industry | Work Assignment (Unit #, Module, etc.): Detective |
| ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day | ShiftType (*circle only one*): ☐ Regular ☑ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: Interviewed? ☑ |
| Hrs of sleep prior to shooting: 9 | Duty Time (hrs): [redacted] hours | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☑ Uniform no Vest ☐ Uniform w/ Vest | Other Factors: |
| Age: [redacted] Height: 603 | Weight: 265 | | |
| Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] | |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? ☑ Number of Prior Shootings: 2 Directed Force: [redacted] |
| Weapons Fired Brand: Beretta | Caliber: 9MM # Shots: 4 | Weapons Fired Brand: | Caliber: # Shots: |
| Field Training Officer Emp # [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.: [redacted] |
| Field Training Officer Emp # [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.: [redacted] |

**E 3**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name: Piggue | First Name: Romel | M.I.: |
| Sex: M Race: Black | Rank: Deputy Sheriff | Unit Assignment: Industry Station | Work Assignment (Unit #, Module, etc.): 144B1 |
| ShiftTime (*circle only one*): ☐ EM ☐ PM ☑ Day | ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: Interviewed? ☑ |
| Hrs of sleep prior to shooting: 6 | Duty Time (hrs): [redacted] hours | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest | Other Factors: |
| Age: [redacted] Height: 507 | Weight: 180 | | |
| Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] | |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted] |
| Weapons Fired Brand: Beretta | Caliber: 9MM # Shots: 1 | Weapons Fired Brand: | Caliber: # Shots: |
| Field Training Officer Emp # [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.: [redacted] |
| Field Training Officer Emp # [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.: [redacted] |

# Officer Involved Shooting
# Involved Employee Information

URN: 012-05513-1462-013



## Involved Employee

E 4

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name: Wolford | First Name: Tim | M.I.: E. |
| Sex: M / Race: White | Rank: Deputy Sheriff | Unit Assignment: Industry Station | Work Assignment (Unit #, Module, etc.): 147D |
| ShiftTime (*circle only one*): ☐ EM ☐ PM ☑ Day | ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: / Interviewed? ☐ |
| Hrs of sleep prior to shooting: 7 | Duty Time (hrs): [redacted] hours | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☑ Uniform w/ Vest | Other Factors: |
| Age: [redacted] | Height: 508 | Weight: 180 | |
| Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] | |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] / Number of Prior Shootings: [redacted] / Directed Force: [redacted] |
| Weapons Fired Brand: Beretta / Caliber: 9MM / # Shots: 12 | Weapons Fired Brand: / Caliber: / # Shots: | | |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |

E ___

| | | | |
|---|---|---|---|
| Employee # | Last Name | First Name | M.I. |
| Sex: / Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.): |
| ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day | ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: / Interviewed? ☐ |
| Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☐ Uniform w/ Vest | Other Factors: |
| Age: | Height: | Weight: | |
| Range Qualification Date: | PPC Qualification Date: | Laser Training Date: | |
| Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ / Number of Prior Shootings: / Directed Force: ☐ |
| Weapons Fired Brand: / Caliber / # Shots | Weapons Fired Brand: / Caliber / # Shots | | |
| Field Training Officer Emp # | Last Name | First Name | M.I. |
| Field Training Officer Emp # | Last Name | First Name | M.I. |

E ___

| | | | |
|---|---|---|---|
| Employee # | Last Name | First Name | M.I. |
| Sex: / Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.): |
| ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day | ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: / Interviewed? ☐ |
| Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☐ Uniform w/ Vest | Other Factors: |
| Age: | Height: | Weight: | |
| Range Qualification Date: | PPC Qualification Date: | Laser Training Date: | |
| Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ / Number of Prior Shootings: / Directed Force: ☐ |
| Weapons Fired Brand: / Caliber / # Shots | Weapons Fired Brand: / Caliber / # Shots | | |
| Field Training Officer Emp # | Last Name | First Name | M.I. |
| Field Training Officer Emp # | Last Name | First Name | M.I. |

# Officer Involved Shooting
# Suspect Information

URN: 012-05513-1462-013



## Suspect Information

**S 1**

| | | |
|---|---|---|
| Last Name: Torres-Gonzalez (Deceased) | First Name: Xavier | M.I. A |
| AKA Last Name: Corza(per CCHRS & Live Scan) | First Name: Hector | M.I. M. |
| Sex: M Race: Hispanic | Street Address: [redacted] City: [redacted] | State & Zip Code: [redacted] |
| Work Phone: [redacted] | Home Phone: [redacted] Social Security #: [redacted] | Driver's License #: [redacted] |
| Age: 31 D.O.B. 04/10/82 | Height: 507 Weight: 175 FBI # [redacted] | CII # [redacted] |
| Booking # N/A | Primary Charge: N/A Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # 2012-03169 Intoxication/Drug Usage? ☑ | Substance Used: Marijuana |
| Armed? ☑ | Apprehended? ☑ Mental Illness? ☐ | Criminal History? [redacted] |
| Vehicle Make: Dodge | Model: Charger | Year: 2007 |

**S**

| | | |
|---|---|---|
| Last Name: | First Name: | M.I. |
| AKA Last Name: | First Name: | M.I. |
| Sex: Race: | Street Address: City: | State & Zip Code: |
| Work Phone: | Home Phone: Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: FBI # | CII # |
| Booking # | Primary Charge: Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | Model: | Year: |

**S**

| | | |
|---|---|---|
| Last Name: | First Name: | M.I. |
| AKA Last Name: | First Name: | M.I. |
| Sex: Race: | Street Address: City: | State & Zip Code: |
| Work Phone: | Home Phone: Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: FBI # | CII # |
| Booking # | Primary Charge: Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | Model: | Year: |

**S**

| | | |
|---|---|---|
| Last Name: | First Name: | M.I. |
| AKA Last Name: | First Name: | M.I. |
| Sex: Race: | Street Address: City: | State & Zip Code: |
| Work Phone: | Home Phone: Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: FBI # | CII # |
| Booking # | Primary Charge: Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | Model: | Year: |

# Officer Involved Shooting

URN: 012-05513-1462-013



**Rollout Information**

| Arrival Date | Arrival Time | Date Submitted | Date of Recommendation |
|---|---|---|---|
| 05/12/12 | 1605 hours | 02/26/14 | |

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Bracken | Sonja | M. |
| [redacted] | Parker | Brenda | |
| [redacted] | [redacted] | [redacted] | [redacted] |

**Shooting / Force Information**

***Method***

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

***Type of Injury***

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

***Body Part Injured***

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

***Brand***

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

***Caliber***

( 9) 9 mm
10) 10 mm
12) 12 guage
20) 20 guage
21) .22-250
22) .22 caliber
23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

***FORCE APPLIED*** *(one code per block)*

| Used By (E# or S#) | Used Against (E# or S#) | Method (Code) | Brand (Code) | Caliber (Code) | Authorized Weapon? (Y/N) | Authorized Ammunition? (Y/N) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|---|---|
| S1 | E1 | FH | HK | 45 | | | NN | |
| S1 | E2 | FH | HK | 45 | | | NN | |
| S1 | E3 | FH | HK | 45 | | | NN | |
| S1 | E4 | FH | HK | 45 | | | NN | |
| E1 | S1 | FH | BR | 9 | Y | Y | NN | |
| E2 | S1 | FH | BR | 9 | Y | Y | DH | HE, SH |
| E3 | S1 | FH | BR | 9 | Y | Y | NN | |
| E4 | S1 | FH | BR | 9 | Y | Y | NN | |
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# LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
## BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
## JUSTICE SYSTEM INTEGRITY DIVISION


JACKIE LACEY • District Attorney
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May 7, 2013

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 12-0338
L.A.S.D. File # 012-05513-1462-013

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 12, 2012, fatal shooting of Xavier Gonzalez by Los Angeles Sheriff's Department (LASD) Deputies Tim Wolford, Kenneth Mort, Romel Piggue, and Robert Chism. We have concluded that the deputies acted in lawful self-defense and defense of others, and used reasonable force in attempting to arrest Gonzalez.

The District Attorney's Command Center was notified of this shooting on May 12, 2012, at approximately 3:15 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Amy Pellman Pentz and District Attorney Senior Investigator Sean Robinson, responded and was given a briefing and walk-through of the scene by Los Angeles County Sheriff's Department (LASD) Lieutenant Mike Rosson.

The following analysis is based upon reports and photographs submitted to this office by Detective Michael Valento of the LASD's Homicide Bureau. No departmentally compelled statements were considered in this analysis.

## FACTUAL ANALYSIS

On May 12, 2012, at approximately 1:30 p.m., LASD Deputies Tim Wolford and Kenneth Mort were working in a marked black and white vehicle and in uniform. They responded to a robbery just occurred call at Casino Auto Sales located on Valley Boulevard in the City of La Puente. The call indicated that the suspect was driving a white Dodge Charger and was armed with a firearm.

The deputies spotted a car matching this description traveling eastbound on Temple Avenue and pulled in behind the car. As the deputies closed the distance between the two cars, the vehicle


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sped up, swerved through traffic, and made an abrupt turn onto southbound Hacienda Boulevard. Wolford activated his lights and sirens and the deputies initiated a pursuit.

The vehicle made a westbound turn into a parking lot, drove through the lot, and exited onto Stafford Street traveling west. Sergeant Gutierrez, who was monitoring the situation, pulled in behind Wolford and Mort. The car made an abrupt left hand turn and stopped in the middle of Stafford Street facing south, just adjacent to the LASD's Industry Station.[1] Wolford and Mort stopped their vehicle east of the suspect's car and Gutierrez positioned his car behind them. Deputy Piggue arrived and parked his vehicle parallel to Wolford and Mort's car. Deputy Chism, who was walking to Industry Station to begin his shift, observed the incident and positioned himself behind a Range Rover parked in a nearby dirt parking lot, southeast of the other deputies.[2]

Xavier Gonzalez, the driver and sole occupant of the car, exited the car with a gun in his hand and yelled "Fuck you! Shoot me!" The deputies ordered Gonzalez to get down and drop the gun. In response, Gonzalez holstered his weapon in a leather holster located on his right hip. Sergeant Gutierrez retrieved a "stun bag" shotgun from his car and fired one round at Gonzalez, missing him. Gonzalez drew his firearm and pointed it in the direction of the deputies. In fear, Wolford and Piggue fired at Gonzalez.

Gonzalez ran around the front of his car and crouched down on the passenger side. Gonzalez stood up, extended his arms over the hood of the car, and pointed his firearm in the area of Deputies Wolford, Mort, Gutierrez and Piggue. In fear for their lives and the lives of their fellow deputies, Wolford, Mort and Chism fired their weapons at Gonzalez. Gonzalez moved around the area of the passenger side of the car and pointed his gun at Deputy Chism. The deputies continued to fire, killing Gonzalez. Gonzalez fired his weapon one time at the deputies while he was on the passenger side of the vehicle, however it is unclear at what point during the exchange he discharged his firearm.

Paramedics responded to the scene. Gonzalez was pronounced dead at the scene at 2:02 p.m. On May 14, 2012, Dr. Ajay Panchal, Deputy Medical Examiner, performed an autopsy on Gonzalez's body. Dr. Panchal determined the cause of death to be a gunshot wound to the head.[3]

Gonzalez was armed with a Heckler and Koch .45 caliber semiautomatic pistol. When recovered, the weapon's safety was off and the pistol was loaded with one live round in the chamber and eight rounds in the magazine. One .45 caliber expended cartridge case lay near Gonzalez's body and an additional fifty .45 caliber bullets were recovered from a bag removed from Gonzalez's pant's pocket. A firearms analysis determined that the cartridge case had been fired from Gonzalez's pistol.[4]

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[1] The legal direction of travel on Stafford Street is either east or west.

[2] Chism was walking from the Operation Safe Streets office to Industry Station to [redacted] He initially believed that the incident was a training exercise.

[3] Gonzalez sustained a total of three gunshot wounds. Only one wound was fatal.

[4] The deputies fired a total of 20 rounds.

Additional investigation revealed that Gonzalez walked into Casino Auto Sales and asked to see a white Dodge Charger that was parked in the sales lot. Salesman [redacted] assisted Gonzalez. While [redacted] was showing the car to Gonzalez, Gonzalez reached behind his back, produced a handgun, and pointed it at [redacted] Gonzalez said to [redacted], "I am Jesus and you have two options here. I can leave in the car or I can blow your brains out and kill you!" [redacted] told Gonzalez to take the car, raised his hands in the air, and began to back away from Gonzalez. [redacted] turned away from Gonzalez, heard him drive the car away, and ran into the office. Another employee immediately called the police.

At the time of the incident, Gonzalez was 30 years old. Gonzalez's [redacted], told investigators that Gonzalez always carried a .45 caliber handgun with him for protection. [redacted] and Gonzalez spent the previous night at the Valley Inn Hotel, located across the street from Casino Auto Sales. They began to argue in the morning over "personal [redacted] issues." [redacted] left Gonzalez around noon and she did not hear from him for the rest of the day.

## CONCLUSION

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. CALCRIM No. 505. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal.App.2d 577.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight…The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Conner (1989) 490 U.S. 386, 396-397.

The evidence examined shows that Deputies Wolford and Mort responded to a robbery with a gun call. They spotted a white Dodge Charger being driven by Gonzalez and attempted to stop the car. Gonzalez did not stop, drove erratically away from the deputies, and ultimately parked facing southbound in the eastbound lanes of Stafford Street. Sergeant Gutierrez, Deputy Piggue, and Deputy Chism arrived and assisted in the attempt to arrest Gonzalez. Gonzalez exited the car and taunted the deputies, saying "Fuck you! Shoot me!" The deputies ordered Gonzalez to drop his weapon. Instead, Gonzalez holstered his weapon. In an effort to gain Gonzalez' compliance, Gutierrez fired his "stun bag" shotgun at Gonzalez, missing him. Gonzalez drew his firearm, took cover behind the far side of the stolen car, and pointed his weapon at them. In response to this deadly threat, Deputies Wolford, Mort, Piggue and Chism fired their weapons, killing Gonzalez.

We conclude that Deputies Tim Wolford, Kenneth Mort, Romel Piggue and Robert Chism acted lawfully in self-defense and defense of others when they used deadly force against Xavier Gonzalez. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

AMY PELLMAN PENTZ
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c: Deputy Tim Wolford #[redacted]
Deputy Kenneth Mort #[redacted]
Deputy Romel Piggue #[redacted]
Deputy Robert Chism #[redacted]